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7 *GEICO Casualty Company*

8 UNITED STATES DISTRICT COURT  
9 DISTRICT OF NEVADA

11 RAUL UVENCE, JUAN UVENCE, and TAI BUI

12 Plaintiff,

13 vs.

14 GEICO CASUALTY COMPANY;  
15 AMERICAN FAMILY MUTUAL  
INSURANCE COMPANY; DOES I through  
16 X; and ROE CORPORATIONS XI through  
XX,

17 Defendants.  
18

CASE NO.: 2:15-cv-01415-JCM-NJK

STIPULATION AND ORDER FOR  
PRIVATE BINDING ARBITRATION AND  
TO STAY COURT PROCEEDINGS

19 Plaintiffs RAUL UVENCE, JUAN UVENCE and TAI BUI ("Plaintiffs") and  
20 Defendants GEICO CASUALTY COMPANY and AMERICAN FAMILY MUTUAL  
21 INSURANCE COMPANY ("Defendants")(collectively referred to as the "Parties"), by and  
22 through their counsel of record, hereby stipulate as follows:

23 1. Plaintiffs and Defendants have previously entered into a Stipulation and  
24 Order To Dismiss with Prejudice the Second and Third Causes of Action of Plaintiffs'  
25 Complaint, as well as Plaintiffs' claims for punitive and exemplary damages.

26 2. Plaintiffs' First Cause of Action for Breach of Contract, which is the only  
27 remaining cause of action, shall be resolved through binding arbitration in accordance  
28 with the terms of an Arbitration Agreement entered into by the parties.

1           3.     The Arbitration shall be conducted at a time, date and location that is  
2 agreeable to the Parties and the Arbitrator.

3           4.     Pending the completion of the arbitration hearing, this matter shall be  
4 stayed.

5           5.     The Parties expressly waive any right to trial by a judge or jury.

6           6.     The Parties expressly waive any right to appeal from the Arbitrator's award  
7 or any order made by the Arbitrator.

8           7.     The award of the Arbitrator shall constitute a final determination of the First  
9 Cause of action contained in Plaintiffs' Complaint (i.e., Plaintiffs' claims for underinsured  
10 motorist benefits under Defendants' policies of insurance);

11          8.     Pursuant to the terms of the Arbitration Agreement, the Parties will, upon  
12 the execution of the Binding Arbitration Agreement, stipulate to dismissal of this action,  
13 with prejudice, reserving the right to this Court the authority to enforce the Agreement.

14          9.     Pursuant to the terms of the Arbitration Agreement, the Arbitrator cannot  
15 award costs, interest, or attorneys' fees and the parties will bear their own attorneys' fees  
16 and costs.

17          10.    The Arbitrator's fees shall be borne equally by the Parties as a non-  
18 recoverable item of costs.

19 DATED this 18<sup>th</sup> day of April, 2016.

DATED this 18<sup>th</sup> of April, 2016.

20 THE702FIRM

LEWIS BRISBOIS BISGAARD & SMITH LLP

21 */s/ Genevieve Romand*

*/s/ Danielle C. Miller*

22 By: \_\_\_\_\_

By: \_\_\_\_\_

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1 DATED this 18<sup>th</sup> day of April, 2016.

2 HUTCHISON & STEFFEN, LLC

3 */s/ Scott A. Flinders*

4 By: \_\_\_\_\_

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10 *Attorneys for Defendants*  
11 *American Family Mutual*  
12 *Insurance Company*

13 ORDER

14 IT IS SO ORDERED.

15 DATED May 20, 2016.

16   
17 UNITED STATES DISTRICT JUDGE

18 Respectfully Submitted by:

19 LEWIS BRISBOIS BISGAARD & SMITH LLP

20 */s/ Danielle C. Miller*

21 By: \_\_\_\_\_

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